

### **REMARKS**

Applicant thanks the Examiners for the Interview held on July 30, 2008 and for indicating that the proposed amendments would overcome the art of record.

Claims 1-6, 8-12, 14-19 and 21-29 are pending. By this amendment, claims 1, 12, 17, 26, and 29 are amended and new claims 30-33 are added. Support for the amendments and new claims can be found at least in paragraphs [0023], [0029], [0035], [0047], [0049], [0051], and [0053]-[0056] of the specification. No new matter is introduced. Reconsideration and issuance of a Notice of Allowance are respectfully requested.

#### **35 U.S.C. § 102 Rejections**

On page 3 the Office Action rejects claim 26 under 35 U.S.C. §102(e) over U.S. Published Patent Application 2004/0187152 to Francis et al. (hereafter Francis). This rejection is respectfully traversed.

Francis is directed to systems and techniques for sharing the capabilities of consumer electronic devices. However, as agreed upon during the July 30, 2008 Interview, Francis does not disclose or suggest “a data manager that automatically transfers the available A/V program data between a memory and an archival storage system based on a sequence of presentation of the available A/V program data,” as recited in amended claim 26. Since Francis does not disclose or suggest all of the features of amended claim 26, claim 26 is patentable.

Withdrawal of the rejection of claim 26 under 35 U.S.C. §102(e) is respectfully requested.

#### **35 U.S.C. § 103 Rejections**

On page 4 the Office Action rejects claims 1-6, 8-12, 14-19, 21-25 and 29 under 35 U.S.C. §103(a) over U.S. Published Patent Application 2003/0193619 to Farrand (hereafter Farrand) in view of U.S. Patent 6,263,503 to Margulis (hereafter Margulis) and further in view of U.S. Patent 6,131,136 to Liebenow (hereafter Liebenow). This rejection is respectfully traversed.

Farrand is directed to a system and method for speculative tuning. Margulis is directed to a method for effectively implementing a wireless television system. Liebenow is directed to a Dual mode modem for automatically selecting between wireless and wire-based communication modes. However, as agreed upon during the July 30, 2008 Interview, Farrand, Margulis, and Liebenow, individually and in combination, do not disclose or suggest “a data manager that automatically transfers the A/V program data between a memory and an archival storage system based on a sequence of presentation of the A/V program data,” as

recited in amended claim 1. Since Farrand, Margulis, and Liebenow, individually and in combination, do not disclose or suggest all of the features of amended claim 1, claim 1 is patentable.

Amended claims 12, 17, and 29 recite features similar to those of claim 1, and for this reason, claims 12, 17, and 29 also are patentable.

Claims 2-6 and 8-11 depend from patentable claim 1; claims 14-16 depend from patentable claim 12; and claims 18-19 and 21-25 depend from patentable claim 17. For these reasons and the additional features they recite, claims 2-6, 8-11, 14-16, 18-19, and 21-25 also are patentable.

Withdrawal of the rejection of claims 1-6, 8-12, 14-19, 21-25 and 29 under 35 U.S.C. §103(a) is respectfully requested.

On page 11 the Office Action rejects claims 27-28 under 35 U.S.C. §103(a) as being unpatentable over Francis in view of Farrand, further in view of Liebenow.

As noted above, Francis, Farrand, and Liebenow, individually and in combination, do not disclose or suggest “a data manager that automatically transfers the available A/V program data between a memory and an archival storage system based on a sequence of presentation of the available A/V program data,” as recited in amended claim 26, and claim 26 is patentable.

Claims 27-28 depend from patentable claim 26. For these reasons and the additional features they recite, claims 27-28 also are patentable.

Withdrawal of the rejection of claims 27-28 under 35 U.S.C. §103(a) is respectfully requested.

#### **New Claims**

New claims 30-33 are allowable at least because they depend from patentable claim 1, and for the additional features they recite. For example, Francis, Farrand, and Liebenow, individually and in combination, do not disclose or suggest “the data manager automatically transfers the A/V program data based on a storage capacity of the memory ,” as recited in new claim 30. Similar, Francis, Farrand, and Liebenow, individually and in combination, do not disclose or suggest “the data manager automatically transfers the A/V program data after a predetermined time period of inactivity,” as recited in new claim 31. Likewise, Francis, Farrand, and Liebenow, individually and in combination, do not disclose or suggest “an aggregator that aggregates multiple A/V program data available from multiple source components so that a user can select the A/V program data without identifying a corresponding source component,” as recited in new claim 32. Similar, Francis, Farrand, and

Liebenow, individually and in combination, do not disclose or suggest "the user can control menu features and operations associated with the A/V program data without knowledge of a location of the A/V program data," as recited in new claim 33.

**Conclusion**

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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Kelly Lee Kasha  
Registration No. 47,743  
**Andrews Kurth LLP**  
1350 I Street, NW  
Suite 1100  
Washington, DC 20005  
Tel. (202) 662-2736  
Fax (202) 662-2739